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APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY

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CHIEF CLERK'S OFFICE

In the Matter of the Application of)
Illinois-American Water Company for)
Certificates of Public Convenience and)
Necessity to Provide Water and/or)
Sanitary Sewer Service to Parcels in)
Cook, DuPage and Will Counties, Illinois)
Pursuant to Section 8-406 of the Public)
Utilities Act and a Variance from)
Part 600.370 of the Commission's Rules.)

Docket No. 03-0362

MOTION FOR LEAVE TO FILE AN AMENDED APPLICATION

Illinois-American Water Company ("Illinois-American" or the "Company"), by and through its attorneys, Sue A. Schultz and Mary G. Sullivan, pursuant to Part 200.140, 83 Ill. Admin. Code 200.140, hereby requests leave to file an Amended Application and in support thereof states as follows:

1. On May 30, 2003, Illinois-American filed an Application for Certificates of Public Convenience and Necessity to Provide Water and/or Sanitary Sewer Service to Parcels in Cook, DuPage and Will Counties, Illinois.

2. After the Application was filed, it was determined that the Company needed to seek a certificate for water for one parcel, and delete the request for a certificate for water service to two parcels, as the Company already has a certificate for those parcels. In addition to the certificate for sanitary sewer service that was plead in the original application for Parcel 5G, Montalbano Homes, located in the Company's Southwest Suburban service area, the Company needs to request a certificate for water service to this parcel. In addition, it has been determined that Parcel 5C, Hiller Development, located in the Company's Southwest Suburban service area was already within the area certificated for water to the Company, having been certificated in Docket No. 93-0427. Therefore, the Company withdraws its request for a certificate for water

service for this parcel and is only seeking a certificate for sanitary sewer service in this docket. Finally, it has been determined that Parcel 4A, Extreme Express, located within the Company's Santa Fe service area, was a part of a previously docket in which the Company received a certificate to provide water service to this parcel, Docket No. 01-0645. Therefore, the Company is withdrawing the request for a certificate to provide water service to this parcel.

3. In Docket No. 51771, the Commission approved an agreement for construction water and sewer facilities in the area now known as the Santa Fe service area between Citizens Utilities Company of Illinois ("Citizens") and Chanslor-Western Oil Development Company. Since that time through mergers and asset purchases, Illinois-American has assumed Citizens' position to this contract and Catellus Development Corporation ("Catellus") has assumed Chanslor's position. Although the Commission approved the agreement, the record is *unclear* (read concern with this word) whether the Commission has approved the variance from Part 600.370, 83 Ill. Admin. Code 600.370 regarding refunds to developers. Therefore, the Company is seeking a variance from Part 600.370 for water facilities in its Santa Fe service area. agreement has its own provision for refunds we are formally seeking variance

4. Attached to this motion is a copy of the Amended Application, which seeks a Certificate of Public Convenience and Necessity for water service as well as sanitary sewer service to the parcel identified in the Application as Parcel 5G, Montalbano Homes, located in the Company's Southwest Suburban service area. The request for a certificate for water service to Parcel 5C of the Southwest Suburban service area, Hiller Development, and Parcel 4A of the Santa Fe service area, Extreme Express, is deleted. In addition, the Amended Application requests a variance from Part 600.370 for those parcels located in its Santa Fe service area.

5. The map and legal description of Parcel 5G of the Southwest Suburban service, identified as page 5 of Exhibit A and Pages 12-13 of Exhibit B, remain the same; only the

request for water service is being added. Exhibit C is revised with respect to Parcels 5C and 5G of the Southwest Suburban Service Area; and Parcel 4A of the Santa Fe Service Area.

6. In support of the requested certificate for sanitary sewer service to Parcel 5G of the Company's Southwest Suburban service area, the supplemental testimony of Bob Khan will be filed contemporaneously with this motion.

WHEREFORE, Illinois-American respectfully requests the Administrative Law Judge to enter an order granting it leave to file the Amended Application *instantly*.

Respectfully submitted,

ILLINOIS-AMERICAN WATER COMPANY

By: Mary G. Sullivan
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Associate Corporate Counsel

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